

Translation

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

541.727
PCT/EP2003/013218



Applicant's or agent's file reference P800067/WO/1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/013218	International filing date (day/month/year) 25 November 2003 (25.11.2003)	Priority date (day/month/year) 10 January 2003 (10.01.2003)
International Patent Classification (IPC) or national classification and IPC E05B 65/20		
Applicant DAIMLERCHRYSLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 29 July 2004 (29.07.2004)	Date of completion of this report 20 April 2005 (20.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/013218

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-7 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/1 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/13218

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following document:

D1: EP-A-1 235 190 (KIEKERT AG) 28 August 2002 (2002-08-28)

1. PCT Article 6

The application fails to meet the requirements of PCT Article 6 because claim 1 is not clear. There is no claimed technical relationship between the unlocking sensor and the identification sensor. The steps for unlocking the vehicle door are not clear.

In particular, it is not clear from the description that the door is unlocked only when there is a positive result from the identification code query, although, in claim 1, the vehicle is unlocked only as a result of activation of the unlocking sensor.

The role of the identification sensor in the unlocking process is unclear.

As claimed, the subject matter of claim 1 is a series of known features (an unlocking sensor and an identification sensor are generally known) which do not appear to influence one another.

The result of this lack of clarity is that the

subject matter of claim 1, owing to the present wording, cannot be regarded as inventive (PCT Article 33(3)) because it merely describes a combination of known features, with no functional interaction.

The applicant is therefore requested to reword claim 1 in order to make the logical relationship between the unlocking sensor and the identification sensor apparent in claim 1.

2. PCT Article 33(3)

Even if the claim would be clarified as described in point 1, it appears that the claim still would not involve an inventive step within the meaning of PCT Article 33(3), and the requirements of PCT Article 33(1) therefore would not be met.

D1 is considered to be the prior art closest to the subject matter of claim 1. D1 discloses a device for locking and unlocking a vehicle door with a door handle attached to the outside thereof (see, for example, figure 4), the vehicle door being protected by an electronic access authorization system and a sensor being provided on the door-side inner area of the door handle (see figure 4, reference sign 3a), with which sensor an identification code query can be started, when a hand approaches, by the access authorization system and with which sensor additionally the door lock is electrically opened (i.e. the door is unlocked) when the hand, after it has approached, touches the sensor (see paragraph [0040]).

Thus the sensor of D1 carries out two different,

temporally independent functions.

The subject matter of claim 1 differs from the teaching of D1 in that two different sensors are used to carry out the two functions of the sensor of D1, namely starting the identification code query and unlocking the door.

Proceeding from D1, a person skilled in the art would consider the use of two sensors as an obvious structural alternative for carrying out the two functions. Dependent claim 6 confirms that the two functionalities in one or two sensors are obvious alternatives.

The subject matter of claim 1 therefore does not involve an inventive step (PCT Article 33(3)).

3. Dependent claims

The features of the dependent claims are known or obvious from other documents cited in the search report, and a person skilled in the art would use these features, with their known advantages, according to the circumstances in the detection device of D1 in order to solve the stated problem. The subject matter of the dependent claims therefore does not involve an inventive step (PCT Article 33(3)).
